



**CITY OF MORGAN HILL
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION**

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov / Email: General@ch.morgan-hill.ca.gov

PLANNING COMMISSIONERS

Wayne Tanda, Chair	Susan Koepp-Baker, Commissioner
Joseph H. Mueller, Vice Chair	John Liegl, Commissioner
Robert E. Escobar, Commissioner	John Moniz, Commissioner
Nancy K. Hart, Commissioner	

PLANNING COMMISSION MEETING

FEBRUARY 23, 2010

**CITY COUNCIL CHAMBERS
CIVIC CENTER
17555 PEAK AVENUE
MORGAN HILL, CA**

REGULAR MEETING - 7:00 P.M.

***** A G E N D A *****

NOTICE TO THE PUBLIC

The following policies shall govern the conduct of the Planning Commission meetings:

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
 - *Those supporting the application*
 - *Those opposing the application*
 - *Those with general concerns or comments*
 - *Presentations are limited to 5 minutes*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

OPEN PUBLIC COMMENT PERIOD (5 MINUTES)

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

ORDERS OF THE DAY

MINUTES: February 09, 2010

PUBLIC HEARINGS:

- 1) **15 Minutes** **ZONING CODE AMENDMENT, ZA-09-04: CITY OF MORGAN HILL
PROPOSED AMENDMENTS OF CHAPTER 18.43, SEISMIC COMBINING
DISTRICT, AND CHAPTER 18.45, GEOLOGIC COMBINING DISTRICT:**

Amendments are proposed in order to update the seismic and geologic regulations of the City to better reflect State law and to clarify city standards applicable in areas subject to seismic and geologic hazards. Negative Declaration.

Recommendation: Re-open the public hearing. Recommend to the City Council that it adopt a Resolution adopting the Negative Declaration and Adopt an Ordinance abolishing the existing Chapter 18.43 "Seismic Combining District", and the existing Chapter 18.45 "Geologic Combining District"; and adopting a new Chapter 18.43 "Active Fault Surface Rupture Zone Seismic Combining District" and a new Chapter 18.45 "Geologic and Seismic Hazards Combining District", along with associated zoning code amendments to modify text for consistency.

- 2) **20 Minutes** **DEVELOPMENT AGREEMENT AMENDMENT, DAA-04-08E: TILTON-
GLENROCK:**

A request to amend the project development agreement for phases 8-10 of the Capriano project located on the south side of Tilton Ave., east of Monterey Rd. The specific amendment requests include extension of the commencement of construction dates, extension of the BMR reduction program and amendment to the off-site improvement commitment. (APNs 764-60-13 thru 45 & 764-59-58)

Recommendation: Open the public hearing. Adopt Resolution recommending approval of amendment to the project development agreement.

PLANNING COMMISSION AGENDA

FEBRUARY 23, 2010

PAGE 3

OTHER BUSINESS:

- 3) **15 Minutes** **AWARD AND DISTRIBUTION OF RDCS ALLOTMENTS:** Final award and distribution of the Residential Development Control System (RDCS) small project, multi-family rental, custom, CC-R/CL-R zoning area, micro project and open market project competitions for fiscal year 2011-12 and partial allotment into FY 2012-13.

Recommendation: Adopt Resolution approving the award of building allotments in Small, Multi-family Rental, Custom, CC-R/CL-R, Micro and Open Market competition categories.

- 4) **20 Minutes** **EXTENSION TO THE BELOW MARKET RATE (BMR) REDUCTION PROGRAM:** Discussion on a request to extend the time period under which a homebuilder may receive a reduction or waiver of the commitment to provide new below market rate housing units that are affordable to low and median income households.

Recommendation: The Planning Commission should discuss and provide a recommendation to the City Council regarding whether to extend the BMR reduction program.

TENTATIVE AGENDA FOR THE MARCH 9, 2010 MEETING:

- ZAA-05-05/SDA-05-06/DAA-05-04: E. Main-San Savigno
- ZA-09-11/ANX-09-01(SR-09-06/EA09-27): Shady Lane-Hanson
- UP-10-01: Sutter-Tierra Vista
- General Plan Annual Report
- Approve Work Plan and Select Subcommittee to review RDCS Standards & Criteria

ANNOUNCEMENTS

CITY COUNCIL REPORTS

ADJOURNMENT

SPEAKER CARD

IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.

NOTICE

NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the Planning Commission less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the Planning Commission. (Pursuant to Government Code 54957.5)